

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 10-43

March 10, 2010

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Selection of Historical Case Files Closed in CY 2008

In accordance with the Administrative Policies and Procedures Manual of the National Labor Relations Board (APPM REC-2, Sec. 21c(2)), Regional Offices are required annually to provide a list of cases nominated for permanent retention in the National Archives and Records Administration (NARA). **Attachment (a) lists guidelines and criterion to apply when selecting cases for transfer and permanent retention in NARA. These guidelines are also listed in Chapter 8, Appendix 1, of the Files Management and Records Disposition Handbook.** NOTE: The Record Retention Standards are now available electronically, via the NLRB Surfboard.

Field offices identify and recommend cases for transfer to NARA. These recommendations are reviewed and approved in Washington, and the approved lists are returned to the field. The selected cases are not sent to Washington until two years after they are closed. (See attachment (b)). In Washington, field case records and Headquarters case records are merged prior to their transfer to NARA. Please submit two copies of nominated cases selected from those closed in calendar Year 2008 to the Chief, Records Management Section, Library and Administrative Services Branch, Division of Administration, by April 30, 2010.

NOTE: Related cases will not be considered for permanent retention unless they are nominated and subsequently approved by the NLRB Records Committee.

It is extremely important that these lists containing approved selected case files be received at Headquarters within the established time frames indicated on the chart listed as attachment (b). The chart also includes the disposition authority numbers to be used when transferring non selected cases to Federal Records Centers.

NOTE: Delays in submission of the Regional Office lists of cases nominated for permanent retention will adversely affect the entire case filing and disposition system process.

/s/
R.A.S.

cc: NLRBU

Attachments

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Selection of Case Files for Permanent Retention

The National Archives and Records Administration (NARA) maintain all NLRB cases files closed prior to 1948. Since 1948, between 1 and 3 percent of the NLRB case files are selected for permanent retention in NLRA each year. These files illustrate significant developments in the administration of the National Labor Relations Act or otherwise represent the most important cases considered by the Board in a given year.

The following factors are used as the criteria to identify cases for permanent retention:

- (1) The nature of substantive or procedural issues involved, as constituting a landmark or lead case.
- (2) The intensity of public interest and comment.
- (3) The impact upon the local or national economy of the actions given rise to the case.
- (4) The unique character of the issues or procedures involved, as demonstrating the Agency's resourcefulness.
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the definition of the jurisdiction of the Board and the limits of interstate commerce; the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interferences, restraint, or coercion; the unit appropriate for purposes of collective bargaining; and the problem of inclusion in bargaining units of fringe group or supervisory employees.
- (6) The numbers of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given industry.

**Records Management
Case File Disposition Chart**

(Rev. 2-08)

CLOSED CASES SELECTED FOR PERMANENT RETENTION AT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (By Month and Year)						NONSELECTED CLOSED CASES – FEDERAL RECORDS CENTER DISPOSITION	
Calendar Year Case Closed	Regional Office Selects 1% to 3% of Total C, R, AC, UC, and UD Cases for Permanent Retention (excludes cases dismissed or withdrawn) ^a	Regional Office Forwards List of Cases Selected For Retention to Washington in Duplicate for Review by the Records Committee	Washington Returns List to Regional Office with Approval or Modification ^b	Regional Office Forwards Selected Cases to Washington With Approved List in Duplicate	Washington Transfers Selected Cases to the Washington National Records Center ^c	Regional Office Transfers Files to Records Center ^d	Records Center Destroys Unselected Files (No Later Than 6 Years After Closure)
	MARCH	APRIL	AUGUST	NOVEMBER	AUGUST	JANUARY	JANUARY
1994	1996	1996	1996	1996	1997	1997	2001
1995	1997	1997	1997	1997	1998	1998	2002
1996	1998	1998	1998	1998	1999	1999	2003
1997	1999	1999	1999	1999	2000	2000	2004
1998	2000	2000	2000	2000	2001	2001	2005
1999	2001	2001	2001	2001	2002	2002	2006
2000	2002	2002	2002	2002	2003	2003	2007
2001	2003	2003	2003	2003	2004	2004	2008
2002	2004	2004	2004	2004	2005	2005	2009
2003	2005	2005	2005	2005	2006	2006	2010
2004	2006	2006	2006	2006	2007	2007	2011
2005	2007	2007	2007	2007	2008	2008	2012
2006	2008	2008	2008	2008	2009	2009	2013
2007	2009	2009	2009	2009	2010	2010	2014
2008	2010	2010	2010	2010	2011	2011	2015
2009	2011	2011	2011	2011	2012	2012	2016
^a Selection of 1% to 3% of AC, UC, UD cases began with cases closed in CY 1986. Prior to that year, all such cases were sent to National Archives. ^b Records Committee may require additional cases for inclusion. ^c Selected cases are transferred to the National Archives 30 years after they have been closed. ^d NARA disposition authority numbers to be entered on SF-135 , Records Transmittal form: APP-802-02b (C cases); APP 803-02b (R Cases)							

Prepared by: Library and Administrative Services Branch, Division of Administration